

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(WESTERN DIVISION - LOS ANGELES)

UNITED STATES OF AMERICA,)	CASE NO: 2:23-cr-00059-MEMF-1
)	
Plaintiff,)	CRIMINAL
)	
vs.)	Los Angeles, California
)	
CAROLINE JOANNE HERRLING,)	Tuesday, February 21, 2023
)	
Defendant.)	(11:33 a.m. to 11:39 a.m.)

ARRAIGNMENT

BEFORE THE HONORABLE PEDRO V. CASTILLO,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:	AUSA JEREMY BEECHER U.S. Attorney's Office 312 N. Spring Street 11th Floor Los Angeles, CA 90012
For Defendant:	RYAN V. KINDERMAN, ESQ. Law Offices of Alex Kessel 15910 Ventura Boulevard Suite 1030 Encino, CA 91436
Court Reporter:	Recorded; CourtSmart
Courtroom Deputy:	Marlene Ramirez
Transcribed by:	Exceptional Reporting Services, Inc. P.O. Box 8365 Corpus Christi, TX 78468 361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 Los Angeles, California; Tuesday, February 21, 2023; 11:33 a.m.

2 --oOo--

3 **THE CLERK:** Calling Case CR-23-00059, *United States*
4 *of America versus Caroline Joanne Herrling*. Counsel, state
5 your appearance for the record.

6 **MR. BEECHER:** Morning, Your Honor. Jeremy Beecher
7 for the United States.

8 **THE COURT:** Good morning.

9 **MR. KINDERMAN:** Good morning, Your Honor, Ryan
10 Kinderman, K-I-N-D-E-R-M-A-N, for Ms. Herrling, who's present
11 before the Court.

12 **THE COURT:** Good morning to you both, good morning,
13 Mr. Kinderman.

14 And, ma'am, is your true name Caroline Joanne
15 Herrling?

16 **THE DEFENDANT:** Yes, it is.

17 **THE COURT:** Good morning to you.

18 **THE DEFENDANT:** Good morning.

19 **THE COURT:** So, Ms. Herrling, this is your -- the
20 time for the arraignment on the charges in this case. And I'll
21 go over some rights and ask you questions. If at any point you
22 need to talk to your lawyer, let me know that, okay?

23 **THE DEFENDANT:** Okay.

24 **THE COURT:** Thank you.

25 **THE DEFENDANT:** Thank you.

1 **THE COURT:** So let's see. So I guess the first
2 question is Caroline Joanne Herrling, is that your true and
3 correct name?

4 **THE DEFENDANT:** Yes, it is.

5 **THE COURT:** And have you received a copy -- well,
6 before we get to that.

7 Counsel, you're retained in this matter?

8 **MR. KINDERMAN:** Yes, Your Honor.

9 **THE COURT:** Okay. And I note here you filed a notice
10 of association of counsel, docket number 12. Thank you for
11 doing that.

12 **MR. KINDERMAN:** Yes, Your Honor. I'm here for Alex
13 Kessel so --

14 **THE COURT:** Yes, I see that. Thank you.

15 So, Ms. Herrling, like I was about to ask you, have
16 you received a copy of the Information in this case?

17 **THE DEFENDANT:** Yes, I have.

18 **THE COURT:** And have you read it?

19 **THE DEFENDANT:** Yes, I have.

20 **THE COURT:** Do you understand the charges contained
21 in the information?

22 **THE DEFENDANT:** Yes, I do.

23 **THE COURT:** Thank you. I also see an advisement of
24 Defendant's statutory and constitutional rights. That was
25 probably signed by you at the date of your initial appearance.

1 It has a date of January 17th, 2023.

2 It sets forth various rights, including the right to
3 proceed to trial, the right to be presumed innocent, the right
4 to have a lawyer appointed for you if you could not afford a
5 lawyer, and various other rights. Did you -- have you been
6 advised of those rights?

7 **THE DEFENDANT:** Yes, I have.

8 **THE COURT:** And do you understand your rights?

9 **THE DEFENDANT:** Yes, I do.

10 **THE COURT:** Thank you.

11 So I also have a waiver of indictment, and I want to
12 go over that with you at this point, Ms. Herrling.

13 **THE DEFENDANT:** Okay.

14 **THE COURT:** You do have the right to be indicted. An
15 indictment is issued by a grand jury. You can waive your right
16 to an indictment.

17 And I have a form here signed by yourself and your
18 attorney which indicates you wish you -- to waive your right to
19 indictment; did you sign that form?

20 **THE DEFENDANT:** Yes, I did.

21 **THE COURT:** And do you understand that you have the
22 right to prosecution by indictment?

23 **THE DEFENDANT:** Yes, I do.

24 **THE COURT:** And do you understand that by signing
25 this waiver you're giving up your right that I just mentioned

1 and consenting to prosecution by information rather than by
2 indictment?

3 **THE DEFENDANT:** Yes, I do.

4 **THE COURT:** And have you had the opportunity to
5 discuss with your counsel the right to prosecution by
6 indictment and the consequences of waiving it?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** And is it your desire to waive this
9 right?

10 **THE DEFENDANT:** Yes, it is.

11 **THE COURT:** And do you join, Mr. Kinderman?

12 **MR. KINDERMAN:** I do.

13 **THE COURT:** Thank you.

14 And I'll find the Defendant's waiver is knowing and
15 voluntary. And I will put today's date. Actually, I think
16 I -- all I need to do is sign it and date it. I'll put today's
17 date, which is February 21. Okay.

18 Next we need to turn to the arraignment in this case.
19 And, Ms. Ramirez, could you please arraign Ms. Herrling?

20 **THE CLERK:** Have you read or has a statement of your
21 rights been read to you by your attorney?

22 **THE DEFENDANT:** Yes, it has.

23 **THE CLERK:** Did you understand the statement of your
24 rights?

25 **THE DEFENDANT:** Yes, I do.

1 **THE CLERK:** Did you sign the statement of rights?

2 **THE DEFENDANT:** Yes, I did.

3 **THE CLERK:** Has the Information been read to you by
4 your attorney?

5 **THE DEFENDANT:** Yes.

6 **THE CLERK:** Do you understand the substance of the
7 charges pending against you?

8 **THE DEFENDANT:** Yes, I do.

9 **THE CLERK:** Thank you.

10 **THE COURT:** So this case has been assigned to the
11 Honorable Maame Frimpong, United States District Judge.

12 Judge Frimpong has authorized me to take a not guilty
13 plea. Will there be a not guilty plea, Mr. Kinderman?

14 **MR. KINDERMAN:** Yes, Your Honor.

15 **THE COURT:** So, Ms. Herrling, how do you plead to the
16 charges contained in the Information?

17 **THE DEFENDANT:** Not guilty.

18 **THE COURT:** Thank you. A not guilty plea has been
19 entered. There will be a jury trial on April 4th. That's
20 April 4, 2023 at 8:30 in the morning.

21 There will be a status conference on March 13th,
22 that's March 13, 2023 at 2:00 o'clock p.m.

23 Can the Government give me a trial estimate?

24 **MR. BEECHER:** Yes, Your Honor. Five days is the
25 Government's estimate.

1 **THE COURT:** Five days, thank you.

2 And Judge Frimpong is located in courtroom 8-B as in
3 "boy" on the eighth floor in the 350 West First Street
4 courthouse here in Los Angeles.

5 I'll also remind the Government pursuant to Federal
6 Rule of Criminal Procedure 5(f), the prosecutor is ordered to
7 comply with his obligation to produce exculpatory evidence
8 under *Brady v. Maryland* and its progeny, and is reminded of the
9 possible consequences of violating that law and this order,
10 including exclusion of evidence, adverse jury instructions,
11 dismissal of all or some charges with or without prejudice,
12 contempt, and sanctions. Understood?

13 **MR. BEECHER:** Understood, Your Honor. Thank you.

14 **THE COURT:** Thank you.

15 Anything further, Mr. Kinderman?

16 **MR. KINDERMAN:** No, Your Honor, thank you.

17 **THE DEFENDANT:** Thank you.

18 **THE COURT:** Thank you.

19 **THE DEFENDANT:** Thank you.

20 **THE COURT:** Have a good day, ma'am. Thank you.

21 **THE DEFENDANT:** Thank you.

22 **THE CLERK:** Court is adjourned.

23 **(This proceeding was adjourned at 11:39 a.m.)**

24

25

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is written over a horizontal line.

Signed

June 7, 2024

Dated

TONI HUDSON, TRANSCRIBER